

RECEIVED

MAY 21 2007

ROBERT H. SHEMWELL, CLERK
WESTERN DISTRICT OF LOUISIANA
LAFAYETTE, LOUISIANA

UNITED STATES DISTRICT COURT

WESTERN DISTRICT OF LOUISIANA

LAFAYETTE-OPELOUSAS DIVISION

GEORGE ACKEL, JR.

CIVIL ACTION NO. 06-0693

VS.

JUDGE HAIK

CENTER COURT INVESTMENTS, L.L.C. MAGISTRATE JUDGE METHVIN
ABSOLUT PARTNERS, L.L.C.

**RULING ON MOTION FOR RECONSIDERATION OF
RULING ON MOTION TO WITHDRAW AS COUNSEL OF RECORD**
(Rec. Doc. 23)

On April 24, 2007, Kenneth Michael Wright, counsel of record for plaintiff George Ackel, Jr., filed a motion to withdraw as counsel of record, citing plaintiff's failure to pay his fees in connection with this case.¹ Attached to the motion were copies of several letters that Mr. Wright sent to his client. One such letter, dated December 29, 2006, stated that Mr. Ackel had not paid any fees except the initial retainer, which was paid in April 2006, and asked that payment be forwarded as soon as possible. Also attached to the December 29, 2006 letter were the following: (1) a copy of the court's Scheduling Order, which was in force and effect at that time and remains in force and effect at this time; and (2) a copy of a February 15, 2007 letter in which Mr. Wright states that Mr. Ackel still has not paid any fees except the initial retainer fee and further stating that Mr. Wright will be forced to withdraw from the case if Mr. Ackel does not pay his fees.

¹ Rec. Doc. 23.

A copy of the motion to withdraw was served on both Mr. Ackel and opposing counsel by certified mail. The motion also purported to provide Mr. Ackel's current address and telephone number.

On April 27, 2007, finding that counsel had complied with Local Rule 83.2.11, the undersigned granted the motion to withdraw and gave Mr. Ackel thirty days to notify the court of his intention to proceed either *pro se* or with new counsel.²

On May 18, 2007, the undersigned was contacted by Mr. Ackel, who stated that he had just that day received a copy of the court's ruling. The reason for the delay in receipt, Mr. Ackel explained, was that Mr. Wright had failed to provide the court with his accurate mailing address, which is 4420 Sharp Rd., Mandeville, LA 70471. Mr. Ackel stated that Mr. Wright had provided an address with an inaccurate zipcode – 4420 Sharp Rd., Mandeville, LA 70147. Mr. Ackel also stated that that is the address that Mr. Wright had used in sending invoices to Mr. Ackel, and that Mr. Wright knew that the address was incorrect. Although Mr. Ackel acknowledges that he did, on occasion, receive mail from his attorney and did receive the court's April 27, 2007 ruling, he does not know why some mail selectively made its way to him and other pieces of mail did not.

Mr. Ackel also stated that Mr. Wright's assertion in his motion to withdraw that Mr. Ackel had only paid the initial retainer fee is inaccurate, stating that in addition to paying the initial retainer, he paid an installment fee in March 2007 in the amount of \$5,750.00.³ Following

² Rec. Doc. 26.

³ Although Mr. Ackel states that this payment was made in March 2007, the check itself is dated March 7, 2006.

the telephone call to the undersigned's chambers on May 18, 2007, Mr. Ackel faxed to the court a copy of both canceled checks.⁴

Mr. Ackel seeks a hearing with the undersigned to address the foregoing issues, stating that he feels his character has been maligned and that his attorney has misrepresented him as a client who does not pay his legal bills. He also seeks the assistance of the court in obtaining his file from Mr. Wright, which he has says he has requested on numerous occasions and has never received.

Mr. Ackel's complaints are well-taken, and his request for a hearing is hereby deemed a motion for reconsideration of the court's ruling allowing his attorney to withdraw under the factual scenario presented by Mr. Wright in his motion. Considering the foregoing,

IT IS HEREBY ORDERED that Mr. Ackel's request for reconsideration of the undersigned's April 27, 2007 ruling permitting his former attorney, Kenneth M. Wright, to withdraw as counsel in this case is **GRANTED**.

IT IS FURTHER ORDERED that the undersigned magistrate judge will conduct a hearing on this matter on **June 20, 2007 at 9:30 a.m.** **IT IS FURTHER ORDERED** that Kenneth M. Wright and George Ackel, Jr. personally appear at the hearing.

IT IS FURTHER ORDERED that, should Mr. Wright and Mr. Ackel resolve their differences prior to the hearing such that Mr. Ackel desires to continue in this case with different counsel, they shall contact the undersigned prior to June 20, 2007 so that the hearing can be removed from the docket.

⁴ A copy of Mr. Ackel's letter, along with the copies of the canceled checks, are attached hereto as Exhibit "A."

IT IS FURTHER ORDERED that the Clerk shall FAX a copy of this order to all counsel of record and shall mail a copy of this Order to Mr. Wright and Mr. Ackel at the following addresses:

Kenneth M. Wright, Esq.
Wright & Moreno
P. O. Box 1416
Lakes Charles, LA 70602

George Ackel, Jr.
4420 Sharp Rd.
Mandeville, LA 70471

Signed at Lafayette, Louisiana on May 21, 2007.



Mildred E. Methvin
United States Magistrate Judge
800 Lafayette St., Suite 3500
Lafayette, Louisiana 70501
(337) 593-5140 (phone) 593-5155 (fax)

COPY SENT:
DATE: 5/21/07
BY: CW
TO: mem
Doherty - via fax
Wright } via U.S. mail
Ackel } via U.S. mail